

AN ACT
D.C. ACT 24-441

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 28, 2022

To amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to allow District government employees to provide pro bono legal representation under certain circumstances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pro Bono Legal Representation Expansion Amendment Act of 2022”.

Sec. 2. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 *et seq.*), is amended by adding a new section 223a to read as follows:

“Sec. 223a. Pro bono legal representation.

“(a) An employee may provide legal representation in proceedings before any District of Columbia court, District of Columbia agency, federal court, or federal agency, if:

“(1) The matter does not involve a claim against the District of Columbia;

“(2) The District of Columbia or, in a criminal proceeding, the United States, is not a party;

“(3) The District of Columbia does not have a direct or substantial interest in the matter;

“(4) The employee has not participated personally and substantially in the matter as an employee;

“(5) The representation is expressly authorized by the employee’s personnel authority, pursuant to the procedures required by subsection (c) of this section;

“(6) The representation does not violate federal or District law or any applicable rules of professional conduct; and

“(7) The employee is:

“(A) Acting in the employee’s personal capacity;

“(B) Not receiving compensation for the legal representation; and

“(C) Providing the legal representation in affiliation with a covered organization.

“(b)(1) Notwithstanding subsection (a)(1), (2), (3), and (7)(B) and (C) of this section, an employee may provide legal representation with or without compensation to the employee’s parent, spouse, domestic partner, or child, or for any estate for which the employee serves as a guardian, executor, administrator, trustee, or other personal fiduciary.

“(2) Notwithstanding subsection (a)(1), (2), (3), and (7)(C) of this section, an employee may provide legal representation without compensation to another District employee who is the subject of a personnel action.

“(c) Each personnel authority shall establish procedures by which employees may request approval of a representation under this section, as required by subsection (a)(5) of this section.

“(d) For the purposes of this section, the term:

“(1) “Compensation” includes anything of value.

“(2) “Covered organization” means:

“(A) A nonprofit organization located in the District that provides legal services to:

“(i) Individuals with limited means at no charge or for a nominal fee; or

“(ii) Other nonprofit organizations that serve individuals with limited means or small businesses located in the District of Columbia; or

“(B) A law school located in the District conducting experiential clinical courses in which students provide legal services to individuals with limited means or nonprofit organizations that serve individuals with limited means or small businesses.

“(3) “District of Columbia” means, unless otherwise apparent from the context, its instrumentalities, subordinate and independent agencies, the Council of the District of Columbia, boards and commissions, Advisory Neighborhood Commissions, and employees acting in their official capacities.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED
June 28, 2022



COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, DC, 20004

Docket No. B24-0298☒ ITEM ON CONSENT CALENDAR☒ ACTION

First Reading, CC

☒ VOTE DATE

May 3, 2022

☐ VOICE VOTE

RECORDED VOTE ON REQUEST


ABSENT

☒ ROLL CALL VOTE – Result

Approved

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray	X					Pinto	X										
X - Indicate Vote					AB – Absent					NV - Present, Not Voting					Rec - Recused		

CERTIFICATION RECORD


 Secretary to the Council

6.9.22
 Date
Docket No. B24-0298☒ ITEM ON CONSENT CALENDAR☒ ACTION

Final Reading, CC

☒ VOTE DATE

June 7, 2022

☐ VOICE VOTE

RECORDED VOTE ON REQUEST


ABSENT

☒ ROLL CALL VOTE – Result

Approved

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray	X					Pinto	X										
X - Indicate Vote					AB – Absent					NV - Present, Not Voting					Rec - Recused		

CERTIFICATION RECORD


 Secretary to the Council

6.9.22
 Date